

HOUSE No. 2279

By Mr. Travis of Rehoboth, petition of Philip Travis for legislation to further regulate the payment of real estate tax bills. Revenue.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE TIME FOR THE PAYMENT OF REAL PROPERTY TAXES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 59 of the General Laws is hereby
2 amended by inserting after section 57D the following two sec-
3 tions:—

4 Section 57E. The provisions of this section shall be applicable
5 in any city or town which accepts the provisions of this section,
6 notwithstanding the provisions of section fifty-seven. Except as
7 otherwise provided, bills for real estate and personal property
8 taxes shall be sent out seasonably upon commitment in every city,
9 town and district in which the same are assessed, and shall be due
10 and payable on July fifteenth of each year for all purposes except
11 the calculation of interest as provided in this section. If any better-
12 ment assessment or apportionment thereof, water rate or annual
13 sewer use charge added to such tax, or more than one-half of the
14 balance of any such tax as reduced by any abatement, remains
15 unpaid either after November fifteenth of the fiscal year in which
16 it is payable, or after the thirtieth day after the date on which the
17 bill for such tax was mailed after October fifteenth, interest at the
18 rate of fourteen per cent per annum computed from October fif-
19 teenth, or from the date the bill for such tax was mailed, if mailed
20 after October fifteenth, shall be paid on so much of the unpaid
21 amount as is in excess of said one-half of such balance. If the
22 whole or any part of such tax remains unpaid after May fifteenth

23 of such fiscal year, in addition to the interest as aforesaid, interest
24 at such rate shall be paid on so much of the balance of such tax
25 not so paid as does not exceed one-half of such tax as reduced by
26 any abatement and computed from April fifteenth of such fiscal
27 year. Not later than April fifteenth of such fiscal year a notice
28 shall be sent showing the amount of such tax which, if not paid by
29 May fifteenth, shall bear interest computed from April fifteenth.

30 Bills for taxes assessed under section seventy-five or section
31 seventy-six shall be sent out seasonably upon commitment, and
32 shall be due and payable on the thirtieth day after the date on
33 which the bill for such tax was mailed for all purposes except the
34 calculation of interest as provided in this section. Taxes shall bear
35 interest as hereinbefore provided in this section with respect to
36 real estate and personal property taxes generally; provided, how-
37 ever, that if a bill for any such taxes is mailed on or after April fif-
38 teenth of the fiscal year to which the tax relates and remains
39 unpaid after the thirtieth day after the date on which such bill was
40 mailed, interest at the aforesaid rate, computed from the date such
41 bill was mailed, shall be paid on so much of the tax that remains
42 unpaid. In all cases where interest is payable it shall be added to
43 and become a part of the tax. Interest which pursuant to this
44 section shall have been added to and become a part of any tax
45 other than a tax reassessed under section seventy-seven shall be
46 waived by the collector if the amount of such tax, exclusive of
47 such interest, is tendered to him within thirty days after the bill for
48 such tax is first sent.

49 Section 57F. The provisions of this section shall be applicable
50 in any city or town which accepts the provisions of this section,
51 notwithstanding the provisions of section fifty-seven. Except as
52 otherwise provided, a notice of preliminary tax for real estate and
53 personal property shall be sent out no later than July fifteenth of
54 each year and shall be due and payable in two installments, the
55 first installment due on August fifteenth, the second installment
56 on November fifteenth after which dates if unpaid they shall
57 become delinquent and subject to interest as provided herein.
58 Each installment shall in no event exceed twenty-five percent of
59 the tax payable during the preceding fiscal year.

60 All provisions of law regarding the procedures for issuing,
61 mailing and collecting tax assessment upon real and personal

62 property and betterment assessments shall be applicable to the
63 notice of preliminary tax provided hereunder, including the pay-
64 ment of interest. To the extent that any rights or remedies under
65 law accrue from the date that the tax bill is issued, only the tax
66 bill issued upon the establishment of the tax rate for the current
67 fiscal year shall govern such rights and remedies. The provisions
68 of section twenty-one C shall apply to the tax rate established by
69 the city or town for the current fiscal year.

70 Notwithstanding the provisions of the first paragraph, a city or
71 town which seeks to issue a notice of preliminary tax for any
72 fiscal year may, with the prior written approval of the commis-
73 sioner, require the payment of the preliminary tax installment in
74 excess of twenty-five percent of the tax payable during the pre-
75 ceding fiscal year, to the extent that such excess represents
76 twenty-five percent of the amount of tax accruing as a result of
77 the loss of exemption from tax that had been granted in the pre-
78 ceding fiscal year or to the extent that such excess represents
79 twenty-five percent of the amount of the tax accruing as a result
80 of improvements to the parcel. A city or town is further authorized
81 under this paragraph to issue a notice of preliminary tax for any
82 property which becomes subject to taxation for the first time in a
83 current fiscal year. The assessors may, on application or on their
84 own motion, abate so much of the preliminary tax as remains
85 unpaid that is in excess of the property owner's proportional share.

86 The actual tax bill issued upon the establishment of the tax rate
87 for the fiscal year, after credit is given for the preliminary tax pay-
88 ments previously made, shall be due and payable in two install-
89 ments on February fifteenth and May fifteenth, respectively, after
90 which dates if unpaid, they shall become delinquent.

91 In the event that the actual tax bills are not mailed by December
92 thirty-first, then upon the establishment of the tax rate there shall
93 be a single actual bill due and payable on May fifteenth, or thirty
94 days after the date of mailing, whichever is later, such bill shall
95 represent the bill balance owed after credit is given for the pre-
96 liminary tax payments previously made.

97 Bills for taxes assessed under section seventy-five or section
98 seventy-six shall be sent out seasonably upon commitment, and
99 shall be due and payable on May fifteenth or thirty days after the
100 date on which said bills are mailed, whichever is later.

101 If any such installment, tax, betterment assessment or appor-
102 tionment thereof, water rate or annual sewer use or other charge
103 added to such tax, as reduced by any abatement is not timely paid,
104 it shall be delinquent, and interest at the rate of fourteen percent
105 per annum computed from the due date shall be paid. For the pur-
106 poses of this section, amounts not timely received shall be deemed
107 unpaid. The commissioner of revenue may issue guidelines as
108 appropriate for the implementation of this section.

1 SECTION 2. Notwithstanding the provisions of any general or
2 special law to the contrary, in any city or town which accepts the
3 provisions of section one or section two of this act, the fiscal year
4 for the initial year after acceptance shall be from July first to July
5 fifteenth of the following year.